



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

DEC 05 2019

UNITED PARCEL SERVICE

Mr. Richard Irwin  
Ecologel Solutions, LLC  
4060 Southeast 45th Court  
Ocala, Florida 34480

Re: Ecologel Solutions, LLC  
Notice of Warning for Unregistered Products  
Case File No. FIFRA-04-2020-0800

Dear Mr. Irwin:

The U.S. Environmental Protection Agency has obtained evidence indicating that Ecologel Solutions, LLC appears to be in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

On August 4, 2016, an inspector authorized by the EPA conducted an inspection at Ecologel Solutions, LLC located at 4060 Southeast 45th Court, Ocala, Florida 34480, to determine compliance with FIFRA and the regulations promulgated thereunder. The inspection revealed that eleven of the fertilizer formulas included the ingredient "CytoGrow", an EPA registered hormone biostimulant derived from seaweed extracts. As such, it was confirmed that Ecologel Solutions, LLC offered for distribution and/or sale at least eleven (11) unregistered products:

- TurfPlex (20-2-3)
- TurfPlex noPhos (20-0-3)
- Turf Starter (8-16-5)
- Iron Plus (15-0-0-6)
- Iron Plus Mn (12-00-6-2)
- Manganese Plus (0-0-0-5)
- NutriSolve
- Spectrum (8-0-0)
- Wetting Agent pellet
- Multi-purpose Plus (4-0-2), made with CytoGrow and H30 Plus
- Four Play

At the time of the inspection, the eleven products listed above were not registered as a pesticide with the EPA. As set forth in FIFRA Section 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A), it is unlawful for any person in any State to distribute or sell to any person any pesticide that is not registered under Section 3 of FIFRA.

In response to the apparent violation of FIFRA at the facility, the EPA is issuing this Notice of Warning (NOW) to Ecologel Solutions, LLC pursuant to FIFRA Section 9(c)(3), 7 U.S.C. § 136g(c)(3). The EPA

has determined at this time that a NOW is the appropriate enforcement response for the company's apparent violation of FIFRA, provided that within 30 days of the receipt of this NOW, an authorized official of the company submit a signed statement indicating that compliance with FIFRA has been achieved and identifying the actions taken to achieve compliance with the requirements set forth above. If this statement is not submitted and/or compliance is not achieved, the EPA may initiate a more formal enforcement action which could include the assessment of a civil penalty. Your statement should be submitted to:

Kimberly Tomczak  
Chemical Safety Section  
Enforcement and Compliance Assurance Division  
U.S. EPA Region 4  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303

Since your company may be classified as a small business, you may want to review the Information Sheet "U.S. EPA Small Business Resources," which can be found on the internet at: <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>. This document will provide you with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act.

If you have any questions about this letter, and/or would like to discuss the above-stated findings by the EPA, or would like a copy of the Information Sheet, please contact Kimberly Tomczak of the EPA Region 4 staff at (404) 562-8987.

Sincerely,



Larry L. Lamberth  
Chief  
Chemical Safety and Land Enforcement Branch

cc: Neil Richmond, Florida Department of Agriculture  
and Consumer Services